

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2269 - SB 2683

February 9, 2022

SUMMARY OF BILL: Requires a person convicted of first-degree murder for the killing of another in the perpetration or attempted perpetration of aggravated rape, rape, rape of a child, and aggravated rape of a child be sentenced to death or life in prison without parole.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Under current law, a person convicted of first-degree murder for the killing of another in the perpetration or attempted perpetration of rape, rape of a child, and aggravated rape of a child must be sentenced to:
 - Death;
 - Life in prison without parole; or
 - Imprisonment for life.
- The proposed legislation will remove the imprisonment for life option. In addition, the proposed legislation will require a person convicted of first-degree murder for the killing of another in the perpetration or attempted perpetration of aggravated rape to be sentenced to death or life in prison without parole.
- Pursuant to Tenn. Code Ann. § 39-11-117(a)(1), first degree murder is one class above a Class A felony offense.
- The average time served for a Class A felony offense is 13.79 years.
- Based on information provided by the Department of Correction, the average time served over the past 10 years for first degree murder was 25.86 years.
- Pursuant to Tenn. Code Ann. § 40-35-501(h)(2), there is no release eligibility for a person committing first degree murder, on or after July 1, 1995, and receiving a sentence of imprisonment for life until the person serves 100 percent of 60 years less sentence credits not to exceed 15 percent, and there is no release eligibility for a person receiving a sentence of imprisonment for life without possibility of parole for first degree murder.
- Pursuant to Tenn. Code Ann. § 40-35-501(h)(3), there is no release eligibility for a person receiving a sentence of imprisonment for life without possibility of parole for first degree murder, attempted first degree murder, or aggravated rape of a child.
- The proposed legislation applies to offenses committed on or after July 1, 2022.
- This analysis estimates the highest cost for admissions in the next 10 years; therefore, any additional time added by the proposed legislation resulting in sentences exceeding 10 years in length surpass the window of this analysis.

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- Requiring individuals convicted of first degree murder in the perpetration or attempted perpetration of aggravated rape, rape, rape of a child, and aggravated rape of a child to be sentenced to imprisonment for life without possibility of parole or death may lead to additional incarceration costs sometime after July 1, 2035; however, the number of such additional convictions as a result of this legislation is estimated to be not significant, and thus, the fiscal impact from enhancing the penalty for such crimes is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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